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Filing date: **10/24/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045000
Party	Defendant SPORTSMAN'S WAREHOUSE, INC. SPORTSMAN'S WAREHOUSE, INC. 7035 HIGH TECH DRIVE MIDVALE, UT 84047
Correspondence Address	SPORTSMAN'S WAREHOUSE, INC. 7035 HIGH TECH DRIVE MIDVALE, UT 84047
Submission	Answer
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Date	10/24/2005
Attachments	bass.PDF (3 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,390,988

For the Mark SPORTSMAN'S WAREHOUSE HUNTING FISHING CAMPING RELOADING
OUTERWEAR FOOTWEAR and DESIGN

Date registered: October 3, 2000

Bass Pro Trademarks, L.L.C.,

Petitioner,

Cancellation No. 92045000

v.

Sportsman's Warehouse, Inc.,

Registrant.

**REGISTRANT'S ANSWER AND AFFIRMATIVE DEFENSES
TO PETITION TO CANCEL**

The Registrant Sportsman's Warehouse, Inc. submits this Answer to the Petition to Cancel submitted by Petitioner Bass Pro Trademarks, L.L.C. Except as expressly admitted below, Registrant denies all allegations contained in the Petition to Cancel.

1. Registrant denies the allegations contained in paragraph 1 of the Petition to Cancel, except Registrant admits only that Petitioner is the owner of U.S. Trademark Registration No. 2,071,417.

2. Registrant denies the allegations contained in paragraph 2 of the Petition to Cancel.

3. Registrant denies the allegations contained in paragraph 3 of the Petition to Cancel.

4. Registrant denies the allegations contained in paragraph 4 of the Petition to Cancel.

5. Registrant denies the allegations contained in paragraph 5 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

1. Petitioner's Petition to Cancel fails to state a claim upon which relief may be granted.

2. Registrant has superior rights over Petitioner in the mark SPORTSMAN'S WAREHOUSE.

3. Registrant owns the service mark SPORTSMAN'S WAREHOUSE.

4. Petitioner has disclaimed exclusive rights to the mark SPORTSMAN'S WAREHOUSE.

5. Petitioner has no trademark or service mark rights for the phrase SPORTSMAN'S WAREHOUSE.

6. Petitioner uses the phrase SPORTSMAN'S WAREHOUSE only in conjunction with the mark BASS PRO SHOPS.

8. Petitioner has abandoned any rights in SPORTSMAN'S WAREHOUSE mark and in its registered BASS PRO SHOPS SPORTSMAN'S WAREHOUSE and DESIGN mark.

9. The Petition to Cancel must be dismissed because of laches, acquiescence, and/or estoppel.

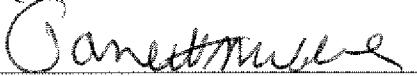
10. Registrant reserves the right to rely on all matters constituting an avoidance or affirmative defense to the extent that such defenses are supported by information developed through discovery or by evidence during testimony or at trial.

WHEREFORE, Registrant respectfully requests that Petitioner's Petition to Cancel be denied, and that Registration No. 2,390,988 continue to be registered.

Dated: October 21, 2005.

Respectfully submitted,

LINDQUIST & VENNUM PLLP

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**ATTORNEYS FOR REGISTRANT
SPORTSMAN'S WAREHOUSE, INC.**